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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

14 JUAN RODRIGUEZ, on behalf of himself and  
all others similarly situated,

15 Plaintiff,

16 || vs.

17 || AT&T SERVICES, INC.,

18 || Defendant.

Case No. 2:14-cv-01537-GMN

**STIPULATION AND [PROPOSED]  
ORDER FOR STAY OF DISCOVERY**

## FIRST REQUEST

20 Plaintiff Juan Rodriguez (“Rodriguez”) and Defendant AT&T Services Inc. (“AT&T”)  
21 by and through their undersigned counsel of record, hereby agree to seek an order staying  
22 discovery and the parties’ obligations under Federal Rule of Civil Procedure 26 and Local Rule  
23 26-1 pending resolution of AT&T’s Motion to Compel Arbitration (Dkt. No. 11). In support of  
24 this Stipulation, the parties agree as follows:

25           1.     Federal Rules of Civil Procedure 6(b) and 26(a) and (c) give this Court discretion  
26 to defer deadlines relating to discovery and pretrial proceedings. Moreover, the Federal  
27 Arbitration Act (“FAA”), 9 U.S.C. §§ 1-16, forbids courts from requiring a party who seeks to

1 compel arbitration to litigate or to participate in discovery on the merits while the motion to  
2 compel arbitration is pending.

3       2. AT&T has filed a Motion to Compel Arbitration. The parties' briefing on that  
4 motion is complete, and the motion is therefore ripe for the Court's decision. In the meantime,  
5 however, plaintiff has sought to initiate discovery on the merits, pointing to Local Rule 26-1(d),  
6 which ordinarily sets certain discovery deadlines. In this case, however, the FAA requires that  
7 those deadlines be stayed pending the Court's resolution of AT&T's motion to compel  
8 arbitration.

9       3. The parties agree that if and when discovery opens, discovery may be conducted  
10 on all matters relevant to issues raised by the pleadings then on file with the Court, and all  
11 matters otherwise within the scope of Rule 26(b)(1) and not protected from disclosure, without  
12 prejudice to the parties' ability to assert objections, including but not limited to objections  
13 pursuant to Rule 26. The parties also reserve their right to file a proposed protective order,  
14 should the need arise, pursuant to LR 16.1-3 and LR 16.1-4.

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1 WHEREFORE, Rodriguez and AT&T jointly request that the Court enter an Order  
2 staying discovery and any pretrial proceedings regarding the merits of Plaintiff's claim pending  
3 the resolution of AT&T's motion to compel arbitration.

4 DATED this 3<sup>rd</sup> day of March, 2015.  
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**ORDER**

IT IS SO ORDERED:

*George Foley Jr.*

UNITED STATES MAGISTRATE JUDGE

DATED: March 5th, 2015